

05.05.2026
Court No. 12
ML 02
May 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 2036 of 2025
IA No : CAN 1 of 2026
In
W.P.A. 22491 of 2025

Gour Singha Roy
-Versus-

The State of West Bengal & Ors.

Mr. Agniswar Bhuinya
.....for the appellant
Dr. Madhusudan Saha Roy,
Mr. Debanjan Chatterjee
....for the WBSEDCL.

- 1) We do not find any reason to interfere with the order of the learned single Judge.
- 2) The learned single Judge set aside the order of final assessment on the ground of violation of the principles of natural justice as the appellant was not heard.
- 3) The case of the appellant before this Court is that the learned Court could not have directed for payment of 50% of the finally assessed amount for reconnection of supply because the provisional assessment order was not served upon the appellant within 48 hours.
- 4) We find from the order impugned that His Lordship specifically recorded the submission of the WBSEDCL that the provisional assessment order was sent by registered post to the appellant/consumer, who allegedly indulged in unauthorized use of the electricity and the postal article had returned with the

endorsement 'refused'. The said article was also produced in Court.

5) Under such circumstances, this factual aspect cannot be gone into by us and the scope of intra-court appeal is limited. Moreover, we find that the order allowing reconnection upon deposit of 50% was rather lenient. Accordingly, the appeal does not deserve any consideration.

6) The contention of Dr. Saha Roy that the notice of final hearing was sent to the appellant but the appellant refused to participate in view of the pendency of the appeal is noted. However, time is extended for the appellant to appear before the final assessing authority by a period of three weeks from date, if the appellant does not appear before the assessing authority, steps shall be taken in accordance with law.

7) Accordingly, the appeal and the connected application are dismissed.

8) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings. The order impugned is set aside.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)